

12 CV 7020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKMaurice M. MorrisPlaintiff

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

SGT. Christophe MoranOfficer Steven RamirezDefendants

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## COMPLAINT

under the  
Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No  
(check one)RECEIVED  
SDNY PRO SE OFFICE  
2012 SEP 13 P 3:25

## I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Maurice M. MorrisID # 1411201891Current Institution Rikers IslandAddress 1600 Hazen StE-Elmhurst, N.Y. 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Christophe Moran Shield # 935348  
 Where Currently Employed 83<sup>rd</sup> precinct  
 Address Brooklyn N.Y.

Defendant No. 2 Name Steven Ramirez Shield # 947829  
 Where Currently Employed 83<sup>rd</sup> precinct  
 Address Brooklyn, N.Y.

Defendant No. 3 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

Defendant No. 4 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

Defendant No. 5 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? \_\_\_\_\_

B. Where in the institution did the events giving rise to your claim(s) occur? \_\_\_\_\_

C. What date and approximate time did the events giving rise to your claim(s) occur? \_\_\_\_\_

SEE Attached ADDendum

D. Facts: \_\_\_\_\_

What  
happened  
to you?

Who did  
what?

Was  
anyone  
else  
involved?

Who else  
saw what  
happened?

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. \_\_\_\_\_

SEE Attached ADDendum

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes \_\_\_ No \_\_\_

I was committed to jail as a result of an unlawful exercise of an officer's original duties

ADDENDUM

On Feb. 3, 2012 I was arrested for possession of a weapon. Before my arrest I was a few blocks away from a precinct to hand the weapon over to the police so I can collect money for it. But I was stopped by Steven Ramirez Christophe Moran and other unknown Officers, when stopped guns were drawn and I was asked to freeze. I did as I was told & I put my hands in the air, when I was relieved of the weapon I was handcuffed and thrown to the floor on the floor I was kicked in the face plus ~~ph~~ punched & kicked several times in my head & body areas. My face was scraped on concrete I was maced & kicked some more in the stomach. I was then picked up while being called black nigger mother fucker we got your stupid ass and you gonna pay. I was then tased several times in the back.

before placed in the police car. Upon arrival at the police station I stood before the desk sgt. and he was surprised to see me in the condition I was in, he then asked ~~his~~ Officer Ramirez what happen to me, Officer Ramirez then replied you know the usual routine. I then was taken to the holding cells still handcuffed I was place in one of them I re-exited the cell to have the handcuffs removed only to be pushed back inside maced and beaten again for the ~~third~~ third time only this time on camera. I don't know but I remember laying down & closing ~~my~~ my eyes for ~~what~~ what seem to be or feel like eternity before the Ems took me to the hospital.

I have exhibits/Pictures of the altercation that took place with me and the officers. "Whenever Needed"



JLY NEWS NYDailyNews.com

Tuesday, July 24, 2012 15

# VIDEO BEATDOWN

## Cop said 'resisting arrest,' but tape in \$25M suit shows kick in back

### EXCLUSIVE

BY JOHN MARZULLI  
NEW YORK DAILY NEWS

A 21-YEAR NYPD detective is under scrutiny this week for giving an unarmed, wanted man a "Gestapo-like" beating — and then allegedly evading questions about the 2008 incident.

Detective David Gross swore that Neal Malangone had assumed a "boxer's stance," refused "six or seven" orders to get down, and flailed his arms, leaving him no choice, but to use brutal force against the man.

The problem for Gross is that virtually none of that story appears to be true.

On the morning of Sept. 21, 2008, Malangone, 27, was being trailed by cops for allegedly throwing a garbage can through his mother-in-law's window a few weeks earlier. Gross and two partners followed Malangone, eventually cornering him in the vestibule of a Chase bank on Woodhaven Blvd. in Queens.

A surveillance video from the bank

shows Gross entering the ATM lobby with his gun drawn and what appears to be a baton in his other hand. Malangone immediately raised his hands, palms-up, then put his arms down, walked to the middle of the lobby and appeared to be lowering himself to the floor when Gross kicked him in the upper back.

When Malangone rose, there was a bloody trail on the floor and the side of his face was streaked with blood.

"It's hard to get more blatant than this," said Malangone's lawyer, Ilya Novofastovsky, who has filed a \$25 million lawsuit in Brooklyn Federal Court against the city, Gross, and Gross' partners, Detectives Angel Lopez and Jaime Arroyo.

"(Malangone) raised his arms and immediately tried to get on the floor," Novofastovsky said. "It seems like they ran in there with the intention to hurt him."

"It was heavy-handed from the get-go," the lawyer added. "It's almost Gestapo-like."

Gross is scheduled to take the witness stand in his own defense Tuesday at the



Bank vid shows Detective David Gross (L) apparently beating Neal Malangone.

NYPD trial room in Police Headquarters to explain the incident. He had earlier refused to plead guilty and be docked 10 days' pay. If found guilty now, he could lose one month of salary.

Furthermore, the city will not pay to de-

fend Gross in the civil suit if he is found guilty in the departmental hearing.

Gross has received many departmental awards, but he also has been a defendant in at least two other federal lawsuits, including a case in which he was sued for firing 15 shots at a teen armed with a toy gun. Gross was cleared of wrongdoing by the Brooklyn district attorney and the NYPD. The lawsuit was settled in 2000 for \$250,000, according to the city.

Detectives Endowment Association lawyer James Moschella called Gross a highly decorated cop who could have retired by now with a tax-free pension. He refused to plead guilty because he believes the charges are wrong, the lawyer said.

"Malangone caused the confrontation," Moschella said. "Gross thought this guy was about to punch him in the face."

Moschella conceded that Gross' gun struck the suspect in the head "unintentionally" while he was trying to subdue him.

Novofastovsky said that without the video, the detective would have gotten away with bloodying Malangone's head.

jmarzulli@nydailynews.com

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Rikers Island

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes \_\_\_ No \_\_\_ Do Not Know \_\_\_

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes \_\_\_ No \_\_\_ Do Not Know \_\_\_

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes \_\_\_ No \_\_\_

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes \_\_\_ No \_\_\_

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve?

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but informed any officials of your claim, state who you

informed, when and how, and their response, if any:

NA

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

NA

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). Plaintiff Demands the amount of (3,000,000) Three million dollars in Compensatory damages and (2,000,000) two million in punitive damages. plaintiff also request order the Courts to direct the defendants to surrender to the Courts bank accounts Pass ports, portfolio, Stocks, titles of properties to be deposited in an escrow account until final determination of this action



On  
these  
claims

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_ No \_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

On  
other  
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_\_ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_ No \_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of July, 2012

Signature of Plaintiff

Maurice M. Morris

Inmate Number

1411201891

Institution Address

1600 Hazen St  
E-Elmhurst, NY 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 22 day of July, 2012, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

M. Morris

NEW YORK CITY DEPARTMENT OF CORRECTION  
Dora B. Schriro, Commissioner



Archana Jayaram, Associate Commissioner  
Programs and Discharge Planning Services  
75-20 Astoria Boulevard  
East Elmhurst, NY 11370

718 • 546 • 0450  
Fax 718 • 278 • 6430

**DATE:** June 21, 2011

**TO:** All Legal Coordinators

**FROM:** Larry J. Triplett, Deputy Director of Law Libraries

A handwritten signature in black ink, appearing to read "Larry J. Triplett".

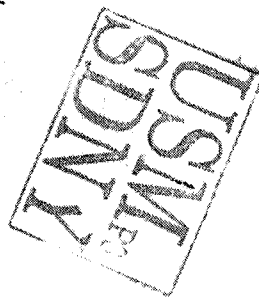
**SUBJECT: Immigration Detainer/48 Hour Rule**

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I have forwarded the enclosed State Writ of Habeas Corpus (again) in the hopes of clarifying any misconceptions there may be as to the procedure an inmate may have available to him/her – when there is no warrant - or detainer issued by a criminal justice agency (or court) directing the DOC to hold said individual. The petition specifically cites to the **forty-eight (48) hour rule** ... at Title 8 of the Code of Federal Regulations (8 CFR Section 287.7).

Maurice Morris 141-12-01891  
1600 Hazen Street #1-  
E. Elmhurst 11370

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2012 SEP 13 P 3:24



UNITED STATES District Court  
500 Pearl Street, Room 230  
New York ~~NY~~ New York  
10007

